

1 BILL NO. S-85-12-30 (as amended)

2 SPECIAL ORDINANCE NO. S - 257-F5

3 An ORDINANCE restricting the City of Fort Wayne,
4 Indiana from doing business with any person or
company invested in South Africa, while the
practice of apartheid exists.

5 WHEREAS, the policy and practice of apartheid deliberately separates
6 millions of South African workers from their families; and

7 WHEREAS, the policy and practice of apartheid in South Africa
8 denies meaningful democratic participation in the political process
9 for the majority of the population; and

10 WHEREAS, the policy and practice of apartheid in South Africa
11 consigns the mass of South African citizenry to lives of economic and
12 educational deprivation; and

13 WHEREAS, the policy and practice of apartheid in South Africa
14 permits the government to confiscate private property legally owned
15 by black South Africans; and

16 WHEREAS, the policy and practice of apartheid in South Africa
17 denies black citizens of South Africa the right to travel within the
18 boundaries of their own country; and

19 WHEREAS, the policy and practice of apartheid is repugnant to the
20 moral and political values of democratic and free societies, and runs
21 counter to the policy of the United States which promotes democratic
22 governments throughout the world and its respect for human rights; and

23 WHEREAS, the community of Fort Wayne, Indiana is composed of
24 concerned and responsible citizens who realize that their commitment
25 to the protection of human rights and justice is not limited to the
26 inhabitants of their home, the residents of their neighborhood, the
27 citizens in their city, the individuals in the state in which they reside,
28 nor the country in which they were born; and

29 WHEREAS, the community of Fort Wayne, Indiana recognizes that
30 individually and collectively our inaction or action in response to
31 injustice, wherever it is disclosed, results in either the perpetuation
32 or eradication of that injustice;

1 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
2 CITY OF FORT WAYNE, INDIANA:

3 SECTION 1. Definitions:

4 A). The "City of Fort Wayne" shall mean the municipal
5 corporation chartered the State of Indiana known as the
6 City of Fort Wayne, its agents or departments, and any entity
7 which receives some or all of its funds from or through the
8 City of Fort Wayne.

9 B). "Public Funds" shall mean all moneys, grants and funds,
10 received from any source whatsoever or managed by the City
11 of Fort Wayne, its agents or departments, or received by any
12 entity which receives all its funds from or through the City
13 of Fort Wayne.

14 SECTION 2. Doing Business With Banks and Financial
15 Institutions:

16 A). Subject to the requirements of Indiana State law,
17 the City of Fort Wayne shall not deposit in or allow monies
18 to remain deposited in, nor shall the City of Fort Wayne
19 borrow any money from, any bank or financial institution
20 which has any outstanding loan:

- 21 1. The the Republic of South Africa, or its agencies,
22 2. To any bank or company which is invested, directly
or indirectly, in South Africa or its agencies.

23 B). No Public funds shall be or remain in the stocks,
24 securities, or any other obligations, of any bank or financial
25 institution which has any outstanding loan to the Republic
26 of South Africa, or its agencies, which apartheid exists;
27 other than the Public Employees Retirement Fund, which is
28 solely controlled by the State of Indiana.

29 C. Any public funds deposited or invested in a bank or
30 financial institution described in subdivisions (A) or
31 (B) of this Section on the effective date of this Ordinance
32 shall be withdrawn or divested in accordance with
subdivision (F) is this Section.

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5 D). All banks or financial institutions wishing to do
6 business with the City of Fort Wayne shall file with the
7 City Controller a certificate signed by the President or
8 other duly authorized officer of such bank setting forth
9 that its board of directors has established and will
10 adhere to a policy of hiring and promotion of employees
11 and officers without regard to race, color, creed, religious
12 affiliation, sex, or national origin and that it does
13 not support any investment of South Africa, and does not
14 support the policy of apartheid in South Africa.
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1 E). The City Controller shall make available for public inspection
2 all certificates filed by banks and financial institutions in
3 accordance with subdivision (D) of this Section.

4 F). When the City Controller determines that public funds must
5 be withdrawn or divested from a bank or financial institution, for
6 non-compliance with the provisions of this Ordinance, the City
7 Controller shall advise the bank or financial institution in writing
8 that the withdrawal or divestiture of public funds is required
9 by the provisions of this Ordinance, and shall accomplish such
10 withdrawal or divestment within one (1) year after such advice
11 if the bank or financial institution has not brought itself into
12 compliance.

13 G). The City ~~Controller~~ shall be considered in compliance with
14 this Section by ensuring that no public funds be or remain in
15 deposit or invested with banks or financial institutions which
16 fail to submit the certificate required by subdivision (D) of
17 this Section.

18 H). The City ~~Controller~~ may do business with a bank or financial
19 institution which does not meet the criteria set forth in subdivision
20 (A) and (B) upon a determination, made in writing and submitted
21 to the City Council, that doing business with such a bank of
22 financial institution is necessary to obtain essential services
23 which are not reasonably obtainable from another bank or financial
24 institution.

25 SECTION 3. The Purchase of Goods and Services.

26 A). Notwithstanding any other requirement of the law, no agency
27 or department of the City of Fort Wayne shall contract for goods
28 and services with any person, firm or corporation, which supports
29 a policy of apartheid in South Africa.

30 B). As part of the specifications for a bid for goods and services
31 to the City of Fort Wayne, the person, firm or corporation submitting
32 a bid shall submit a certificate signed by its President or other
duly authorized officer that it does not support a policy of
apartheid in South Africa.

1 C). If a contract must be awarded to a bidder who supports a
2 policy of apartheid in South Africa, because there are no other
3 responsive bidders who do not provide such support, then the
4 contracting agency or department shall submit a written statement
5 to the Controller detailing the reasons for such action. The
6 Controller shall file that statement with the office of the Mayor
7 and the City Clerk.

8 SECTION 4. Severability.

9 A). If any section, subsection, sentence, clause, paragraph or
10 portion of this Ordinance is for any reason held invalid or
11 unconstitutional by any court of federal or state agency of
12 competent jurisdiction, such portion shall be deemed a separate,
13 distinct and independent provision and such holding shall not
14 affect the validity of the remaining portions hereof.

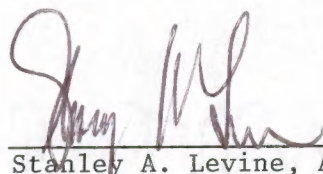
15 B). Any existing Ordinance or part thereof inconsistent with
16 this ordinance is hereby repealed.

17 SECTION 5. That this Ordinance shall be in full force and effect
18 from and after its passage and any and all necessary approval by the
19 Mayor.

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22 Councilmember

23
24 APPROVED AS TO FORM
25 AND LEGALITY

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28 Stanley A. Levine, Attorney for Fort Wayne Common Council
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Read the first time in full and on motion by Redd,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.S.

DATE: 12-10-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,
seconded by Stier, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>1</u>	<u>1</u>		
<u>BRADBURY</u>	<u>✓</u>				
<u>BURNS</u>			<u>✓</u>		
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>		<u>✓</u>			
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 12-23-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-257-85
on the 23rd day of December, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 26th day of December, 1985,
at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of January,
1986, at the hour of 11:45 o'clock A. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

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2 OF FORT WAYNE, INDIANA:

3 SECTION 1. Definitions:

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5 chartered the State of Indiana known as the City of Fort Wayne,
6 its agents or departments, and any entity which receives some or
7 all of its funds from or through the City of Fort Wayne.

8 B). "Public Funds" shall mean all moneys, grants and funds,
9 received from any source whatsoever or managed by the City of
10 Fort Wayne, its agents or departments, or received by any entity
11 which receives all its funds from or through the City of Fort Wayne.

12 SECTION 2. Doing Business With Banks and Financial Institutions:

13 A). Subject to the requirements of Indiana State law,
14 ~~A). No public funds shall be or remain deposited in, nor shall~~
the City of Fort Wayne shall not deposit in or allow monies to remain de-
posited in, nor shall the City of Fort Wayne borrow any money from, any bank or financial
institution which has any outstanding loan:

- 15 1. To the Republic of South Africa, or its agencies,
- 16 2. To any bank or company which is invested, directly or
17 indirectly, in South Africa or its agencies.

18 B). No Public funds shall be or remain in the stocks, securities,
19 or any other obligations, of any bank or financial institution
20 which has any outstanding loan to the Republic of South Africa,
21 or its agencies, while apartheid exists; other than the Public
Employees Retirement Fund, which is solely controlled by the State of

22 C). Any public funds deposited or invested in a bank or financial
23 institution described in subdivisions (A) or (B) of this Section
24 on the effective date of this Ordinance shall be withdrawn or
25 divested in accordance with subdivision (F) of this Section.

26 D). All banks or financial institutions wishing to do business
27 with the City of Fort Wayne shall file with the City Controller
28 a certificate signed by the President or other duly authorized
29 officer of such bank setting forth that its board of directors
30 has established and will adhere to a policy of hiring and promotion
31 of employees and officers without regard to race, color, creed,
32 religious affiliation, sex, or national origin and that it does
not support any investment in South Africa, and does not support
the policy of apartheid in South Africa.

p. 2 1.13 Strike all words prior to nor

Substitute:

Subject to the requirements of Indiana
State law, the City of Fort Wayne shall not deposit
in or allow monies to ~~remain~~ deposited
in,

line 20 strike period at end of TP
~~Add sentence and~~
add:

; other than the Public Employees
Retirement Fund, which is solely controlled
by ^{the} State of Indiana

p. 3 1.13 Strike the word Controller

1.18 → Strike ~~the word Controller~~
~~of Fort Wayne~~

BILL NO. S-85-12-30 *(as amended)*

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AN ORDINANCE restricting the City
of Fort Wayne, Indiana from doing business with any person or company invested
in South Africa, while the practice of apartheid exists.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

Charles B. Redd
CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier
JAMES S. STIER

Ben A. Eisbart
BEN A. EISBART

Donald J. Schmidt
DONALD J. SCHMIDT

CONCURRED IN *12-25-85*

Sandra E. Kennedy
SANDRA E. KENNEDY
CITY CLERK